

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GERALD GIORDANO and LISA
GIORDANO,

Plaintiffs,

vs.

No. CIV 13-1090 JB/CG

CHUCK JOHNSON; JANE DOE
JOHNSON and XYZ ENTITY I,

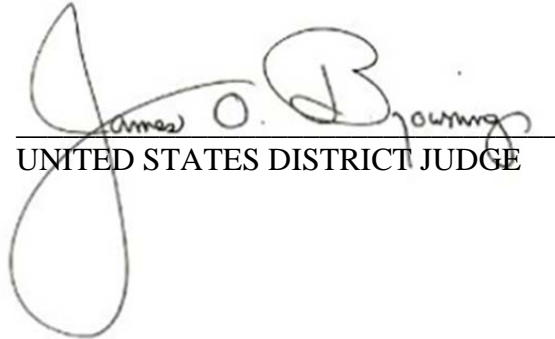
Defendants.

MEMORANDUM OPINION AND ORDER DISMISSING CASE WITHOUT PREJUDICE

THIS MATTER comes before the Court on: (i) the Order to Show Cause, filed September 26, 2017 (Doc. 46)(“First Show Cause Order”); and (ii) the Order to Show Cause, filed November 6, 2017 (Doc. 47)(“Second Show Cause Order”). On January 7, 2015, this case was stayed automatically, because the Plaintiffs filed for Chapter 13 Bankruptcy, 11 U.S.C. §§ 1301-30. See Amended Notice of Automatic Stay at 1, filed January 14, 2015 (Doc. 44). At that time, nearly three months remained for the parties to complete discovery. See Scheduling Order at 1 (Doc. 38) (setting March 2, 2015 as discovery’s termination date). On August 11, 2017, the bankruptcy case was dismissed after the Trustee notified the Bankruptcy Court that the Plaintiffs failed to provide the Trustee with a stipulated order approving the Chapter 13 Plan. See In Re Giordano, No. 4:2014-BK-18201-BMW, Order Dismissing Case for Failure to Confirm Chapter 13 Plan of Reorganization at 1-2, dated August 11, 2017 (Doc. 105). On September 26, 2017, the Honorable Carmen E. Garza, United States Magistrate Judge, ordered the parties to show cause why the stay should not be lifted. See First Show Cause Order at 1. No party responded. Magistrate Judge

Garza then entered an order to show cause why the case should not be dismissed. See Second Show Cause Order at 1. Again, no party responded.

IT IS ORDERED that this case is hereby dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Gerald Giordano
Tucson, Arizona

Plaintiff pro se

Gerald Giordano
Dorris & Giordano PLC
Tucson, Arizona

Attorneys for Plaintiff Lisa Giordano

Brendan Michael O'Connell
James Glen Bennett
Sean Patrick Healy
Stephen D. Hoffman
Spencer T. Proffitt
Lewis Brisbois Brisgaard & Smith LLP
Phoenix, Arizona

Attorneys for Defendants Chuck Johnson and Jane Doe Johnson